

14

Docket No. GEN-100D1

Serial No. 10/045,180

Remarks

Claims 1-52 are pending in the subject application. By this Amendment, Applicants have canceled claims 1-52 and added new claims 53-103. Support for the new claims can be found throughout the subject specification and in the claims as originally filed as the newly presented claims have been rewritten from those previously presented. Entry and consideration of the amendments presented herein is respectfully requested. Accordingly, claims 53-103 are currently before the Examiner. Favorable consideration of the pending claims is respectfully requested.

Applicants acknowledge the Examiner's withdrawal of the objections and the rejections under 35 U.S.C. § 112, second paragraph, and 35 U.S.C. § 101. Applicants also acknowledge the Examiner's indication that claims 5, 7-15, 17-19, and 41-52 are objected to but would be allowable if rewritten into independent form to include the limitations of any base and intervening claims.

Applicants note that the Office Action dated January 5, 2004 indicated that no Information Disclosure Statement (IDS) appears to have been filed. Applicants provided a copy of the IDS in their Amendment dated May 5, 2004 and pointed out that an IDS for the subject application was facsimile transmitted to the Patent Office on April 1, 2002, along with a copy of the transmission report indicating that the facsimile sent to the Patent Office. However, Applicants respectfully assert that the IDS was not returned with the instant Action as having been considered and made of record. Accordingly, Applicants respectfully request that the Examiner consider and make of record the IDS previously submitted in the next communication from the Patent Office.

Applicants also request the electronic records of the Patent Office be updated to reflect the new title presented in the last Amendment. A review of the Patent Office electronic records indicates the new title is not yet reflected therein.

Claims 1-4, 6, 16, and 20-40 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention; however, in the interest of expediting prosecution in this matter, Applicants have rewritten the claims to conform to subject matter previously indicated as allowable by the Examiner. Applicants respectfully assert that there is adequate written description in the subject specification to convey to the ordinarily skilled artisan that they had possession of the claimed

J:\GEN\100D1\Amend-Resp\Amd.2d.doc/DNB/si

15

Docket No. GEN-100D1

Serial No. 10/045,180

invention. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is respectfully requested.

It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and amendments to the claims, Applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.

Patent Attorney

Registration No. 45,332

Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: P.O. Box 142950

Gainesville, FL 32614-2950

FCE/sl